

BARTHOLOMEW COUNTY PLAN COMMISSION
RULES OF PROCEDURE

**RULES OF PROCEDURE
BARTHOLOMEW COUNTY PLAN COMMISSION**

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ARTICLE I AUTHORITY, DUTIES

Section 1. Authority

The Bartholomew County Plan Commission (hereinafter called "Commission") exists as an advisory plan commission under authority of Indiana Code 36-7-4-202 and by County Ordinance No. 1, 1957, and any amendments thereto. These rules are adopted in accordance with the requirements of IC 36-7-4-401.

Section 2. Duties

The duties of the Commission shall be those set forth in IC 36-7-4-400, COMMISSION DUTIES AND POWERS, and such other responsibilities as may be assigned to it by the Board of County Commissioners of Bartholomew County (hereinafter called "County Commissioners").

Section 3. Seal

The seal which has heretofore been used by the Commission as its official seal is hereby readopted.

Section 4. Membership

The Commission shall consist of 9 voting members, appointed in accordance with IC 36-7-4-208. In addition, there shall be one liaison member appointed by the Columbus City Plan Commission, with said liaison member having all rights of participation in the deliberations of the Commission except the right to vote or hold office.

Section 5. Reserved

Section 6. Meetings

All meetings of the Commission shall be conducted in accordance with IC 5-14-1.5, the Indiana Open Door Law, and any amendments thereto. On-site inspections of property involved in petitions before the Commission shall not be considered meetings.

- a. Regular Meetings--The Commission shall hold a regular meeting on the third Wednesday of each month at 8:30 a.m. Whenever the regular meeting date falls on an official holiday of Bartholomew County, another date shall be selected. A schedule of all regular meetings shall be published each year by the staff of the Commission. All regular meetings will be held at the Bartholomew County Government Building, unless another location is published.
- b. Special Meetings--In accordance with the provisions of IC 36-7-4-307, special meetings of the Commission may be called at any time by the president or by two members upon written request to the Commission's staff. The staff shall notify all Commission members of such special meeting at least three days in advance of such meeting. Written notice of a special meeting shall not be required if the time and place of the special meeting has been fixed in a regular meeting of the Commission, provided that all members of the Commission are present at that

regular meeting.

- c. Cancellation--Whenever there is a lack of business for Commission consideration, the president may dispense with a regular meeting. In such cases, the staff of the Commission shall give written notice to all members, and the news media shall be notified of such cancellation. Whenever it is determined that a quorum is not available for a regular or special meeting, the president of the Commission may dispense with such meeting, and all business scheduled for such meeting will be automatically continued to the next regular or special meeting. In such cases, the staff of the Commission shall give written or oral notice to the Commission members, those having business before the Commission, and to the news media. The president of the Commission also may dispense with a scheduled regular or special meeting in the event of natural disaster, snow emergency, or similar causes. In such cases, the staff of the Commission shall give written or oral notice to the Commission members and to those having business before the Commission if possible, and the staff shall notify the news media of the cancellation. In the event of cancellation for any reason, the president may require renotification to interested parties, with such notice to be paid for by the petitioner or by the Commission as the president deems appropriate.

ARTICLE II OFFICERS AND STAFF

Section 1. Commission Officers

At its first regular meeting in each year, the Commission shall elect from its members a president, vice president, and secretary.

Section 2. Duties of Commission Officers

- a. President--The president shall preside over commission meetings and on behalf of the Commission shall exercise general supervision over the affairs of the Commission, including the execution of contracts and agreements, the appointment of committees and representatives (except as otherwise provided by statute, ordinance, or these rules), the determination of points of order and procedure, and the signing of all official documents.
- b. Vice president--The vice president shall have authority to act as president of the Commission during the absence or disability of the president.
- c. Secretary--The secretary shall certify all official acts of the Commission, including the written votes of the Commission on any and all matters for which such vote is required. In the event of the absence or disability of both the president and the vice president, the secretary shall serve as president pro tempore. In the event of the absence or disability of the secretary, the president of the Commission shall select a secretary pro tempore.
- d. President Pro Tempore--In the event of the absence, disability, or disqualification of the president, vice president, and secretary, the Commission shall elect a president pro tempore for the meeting or item(s) of business affected.

Section 3. Commission Staff

- a. Appointment--The planning director shall be appointed by the County Commissioners, with the concurrence of the Commission.
- b. Duties--The Columbus/Bartholomew Planning Department shall serve as staff to the Commission, and the planning director shall be the designated executive of the staff. All Commission requests for information or technical advice shall be made to the director who will be responsible for assigning staff members to gather such information or provide such advice and for conveying such information or advice to the Commission. The director shall be responsible for the administration of the Commission's office, the employment and compensation of employees, and administration of any funds allocated to the Commission by the County Council. The director shall be delegated authority to perform ministerial acts in all cases except where final action of the Commission is necessary. The director also shall employ the Commission's recording secretary and shall be responsible for the keeping of an accurate record of all Commission proceedings, including the keeping of records and minutes, the custody and preservation of all papers and documents of the Commission, the maintenance of a current roster and qualification of members, and records of attendance. The staff shall prepare each year an annual report of the Commission's activities. If the Commission approves the report, the staff will forward it to the Commissioners and make copies available to the public.
- c. Directives--Any policies or assignments to the staff not covered by these regulations shall be by resolution of the Commission.

ARTICLE III CONDUCT OF MEETINGS

Section 1. Quorum

Five voting members of the Commission shall constitute a quorum. No business may be transacted and no public hearing may be opened at any meeting of the Commission unless a quorum is in attendance.

Section 2. Voting

- a. Majority--In accordance with IC 36-7-4-302, no action of the Commission is official unless it is authorized at a regular or special meeting by a majority of the entire membership of the Commission.
- b. Method--All votes of the Commission on matters requiring a public hearing shall be by ballot, with the form of the ballot to be approved by the Commission. Each ballot must bear the signature of the member voting by such ballot. Secret ballot votes shall not be permitted. Items of business not requiring a public hearing may be decided by voice vote. If the outcome of a particular vote is unclear, the president or any member may request a roll call vote.
- c. Conflict of interest--In accordance with IC 36-7-4-223, a Commission member may not participate in a hearing or decision concerning a matter in which he has a direct

or indirect financial interest. For the purposes of this section, any Commission member who is an interested party entitled to notice under Article VII, Section 3 of these rules is deemed to have a direct or indirect financial interest in the matter and shall be disqualified as provided in this section. A member shall declare his/her known conflict of interest. Questions as to whether such conflict exists may be determined by the president or the Commission attorney. When there is uncertainty as to the applicability of this section, the member shall be disqualified. The Commission shall enter in its records the fact that its member has a disqualification. Members are expected to disclose any personal, nonfinancial interest in any matter before the Commission, and may abstain from participation and voting on such matter. Nothing in this section shall prevent a member of the Commission from presenting a petition on his/her own behalf, but members shall not appear before the Commission on behalf of others.

- d. Required--Except as provided in "c" above, all Commission members present shall vote on each matter for which a public hearing is held. An abstention for any other reason shall have the same effect as a negative vote.
- e. Absentee--Absentee or proxy voting shall not be permitted. Members must be present for the public hearing and ballot in order to be eligible to vote on any matter. In the event that a member is absent for part of a public hearing, such member's eligibility to vote on the matter shall be at the discretion of the presiding officer.

Section 3. Order of Business

The normal order of business of regular meetings shall be as listed below, except that the staff may, after consulting with the president, alter the order of business to promote efficiency and/or convenience for the commission members, the public, and the petitioners. After the agenda is announced, the order may be changed by the president upon the consenting vote of a majority of those members present.

1. Roll call of members
2. Minutes
3. Public hearings
4. Communications
5. Old business
6. New business
7. Reports and recommendations
8. Adjournment

ARTICLE IV PUBLIC HEARINGS

Section 1. Procedure

- a. Opening the hearing--The president shall call the docket number of the item scheduled for public hearing and request any member having a conflict of interest to disclose such conflict. The president shall then declare the public hearing open.
- b. Order of testimony--The order of testimony may be as follows:

1. Background and comments by the Commission's staff
 2. Presentation of request by petitioner
 3. Comments and questions by members of the audience
 4. Rebuttals
 5. Summations
- c. Closing the hearing--After all public comments have been heard under the rules of this section, the presiding officer shall declare the hearing closed and shall call for a motion. Additional public comment shall not be permitted after the close of the hearing. Any motion which has been made and seconded is open for discussion by the Commission members, but such motion is closed to discussion by the public unless the presiding officer specifically allows such discussion. The presiding officer shall have the authority to limit such discussion by the public or the Commission members.
- d. Voting--Each motion on a matter requiring a public hearing shall be by ballot of the members, in accordance with the provisions of Article III, Section 2 of these rules. Each ballot shall bear the docket number of the petition. At the conclusion of the vote, the secretary shall report the vote and it shall be so recorded. The vote of each member shall become a part of the record on the petition, and the vote of each member shall be disclosed by any Commission officer or the staff to anyone requesting such information.

Section 2. Conduct

- a. Representation--The petitioner may appear in person, by attorney, or by any other person designated by the petitioner, and present any supporting witnesses, evidence, statements and arguments in favor of the request. Remonstrators and persons in favor of the request may appear in person, by agent or by attorney and present witnesses, evidence, statements and arguments. Any person interested in any petition shall have the right but shall not be required to enter a written appearance in the hearing.
- b. Commission participation--The Commission members shall be provided adequate opportunity to examine witnesses and question any evidence, statements and arguments in the interest of a fair hearing.
- c. Identification--All persons wishing to be heard on any matter in a public hearing must stand before the Commission and provide their names and addresses for the record.
- d. Commentary addressed to Commission--All commentary at a public hearing shall be addressed to the Commission through its presiding officer. Such commentary shall not be permitted between opposing parties without the consent of said officer.
- e. Authority of presiding officer--The presiding officer shall have the authority to prohibit repetitious and irrelevant testimony and shall have authority to limit the length of testimony by each speaker as deemed appropriate to a fair public hearing.

- f. Orderly conduct--Every person appearing before the Commission shall abide by the order and direction of the presiding officer. Discourteous, disorderly, or contemptuous conduct shall not be tolerated, and the presiding officer may take such action as is deemed necessary to prevent such conduct.

ARTICLE V DISPOSITION OF PETITIONS

Section 1. Motions

The final disposition of any petition duly filed and brought before the Commission shall be in the form of a motion, properly adopted, specifically setting forth such disposition.

Section 2. Dismissal

- a. Want of prosecution--The Commission may dismiss a petition for any of the following reasons:
 - 1. There have been two consecutive Commission meetings at which neither the petitioner nor authorized representative thereof appeared to present and speak in favor of the petition;
 - 2. If the petition involves work done by another person(s), such as a land surveyor or architect, there have been two consecutive meetings at which the person or qualified representative thereof did not appear to respond to questions pertaining to such work;
 - 3. If for any reason the Commission is unable for two consecutive meetings to obtain information needed to determine the compliance of the petition with applicable ordinances;
 - 4. The petition has been filed improperly. Nothing in this section shall be interpreted to mean that the Commission is required to dismiss a petition, if the Commission members believe that additional continuances be warranted. (Amended 2/18/87).
- b. Lack of jurisdiction--The Commission shall dismiss a petition if it finds it has no jurisdiction over such matter.

Section 3. Withdrawal

- a. Without prejudice--Any petition may be withdrawn without prejudice provided a written request for withdrawal signed by the petitioner or an authorized representative is received by the Commission's staff at least 14 days before the scheduled hearing.
- b. With prejudice--Any request for withdrawal made less than 14 days before the scheduled hearing may be granted or denied by the Commission. Such request may be in writing or oral and must state the reasons for the request. If the Commission votes to permit withdrawal, the petition shall not again be placed on the docket for hearing within a period of three months from the date of the originally

scheduled hearing, except upon a motion duly adopted by a majority of the members of the Commission to permit such redocketing.

- c. Not permitted--No petition may be withdrawn after a motion has been made and seconded and a vote has been ordered by the presiding officer.

Section 4. Amendment

- a. Increased density or intensity--No petition can be amended in a manner which increases the intensity of use (e. g. , adds additional lots or land, changes to a zoning district permitting more uses or more intensive uses) after the filing deadline. Any such amendment request will result in postponing the docketing of the petition for one month. If notice in accordance with Article VII already has been given, the item as amended shall be readvertised and new notice given to interested parties. The petitioner shall be required to pay the costs of such readvertising and renotification.
- b. Decreased density or intensity--It shall be within the discretion of the Commission to approve a petitioner's request to amend the petition in a manner which decreases the intensity of use (e. g. , removes lots or land, changes to a zoning district which is more restrictive). Any interested parties may be heard on the subject of such amendment. The Commission may require such amended petition to be continued and may require readvertising and renotification in the interest of providing a fair and adequate hearing.

Section 5. Continuance

- a. Requests by interested party or petitioner--The petitioner or any interested party as defined by the applicable ordinance(s) may request a continuance in writing prior to the hearing and/or orally at the beginning of the hearing. The party requesting such continuance shall be required to show good and sufficient cause for such continuance, and it shall be within the discretion of the Commission to grant or deny such request.
- b. Motion by commission--Any member of the Commission may at any time move to continue the hearing of any petition. Such a motion duly seconded and adopted shall continue the hearing to the time specified in the motion. The Commission may include in the motion specific instruction for readvertising and/or renotification of interested parties. If such renotification is required, the petitioner may be required to pay the costs associated therewith. Whenever the Commission finds that there are numerous and/or substantial changes to be made in a subdivision proposal before it can be approved, the Commission shall continue such petition until the changes can be incorporated by the petitioner and adequately reviewed by the staff and Commission. The Commission also shall continue a petition if for any reason the Commission is unable to obtain information needed to determine the compliance of the petition with applicable ordinance. Such reasons include but are not limited to the following: failure of the petitioner or authorized representative to appear at the hearing to present the petition; failure of another person, such as a land surveyor or architect, whose work is represented by the petition to appear at the hearing to respond to questions pertaining to such work; failure of the petitioner and/or authorized representative to provide all required information. (Amended

2/18/87)

- c. Automatic--In the event that the Commission does not achieve the required five votes to approve or deny a petition, such vote shall be declared indecisive, and the petition shall be continued automatically. Before declaring a petition continued on this basis, the presiding officer shall call for another motion. No petition for rezoning shall be continued more than two successive times under the provisions of this paragraph. If upon the third successive consideration of a rezoning petition resulting from continuances under the provisions of this paragraph, the Commission does not arrive at a recommendation with the necessary five-vote majority, it shall forward the petition to the Commissioners with a report stating the Commission's inability to arrive at a recommendation within a reasonable time, and the Commissioners may decide the petition without a recommendation to approve or deny from the Commission.
- d. Improper notice--If proper notice under applicable laws and Section VII of these rules has not been given, the Commission shall continue the petition to allow time for proper notice to be given.
- e. No Motion--When the Commission does not make a motion regarding a petition, that petition shall be automatically continued to the next regular meeting. No rezoning petition may be continued more than two successive times under the provisions of this paragraph. If at the third successive consideration of a rezoning petition, no motion is made by the Commission, the petition shall be sent to the County Commissioners with no recommendation to approve or deny. (Amended 11/17/93)

Section 6. Approval

- a. Subdivisions--If, after the hearing, the Commission determines that the application and plat comply with the standards in the Subdivision Control Ordinance, it shall make written findings and a decision granting primary approval to the plat. This decision shall be signed by an officer of the Commission or an official of the Columbus/Bartholomew Planning Department. Such approval may be conditional or unconditional.
 - 1. Conditional approval--A motion to approve a petition may be conditional upon a petitioner's compliance with a requirement or requirements imposed by the Commission. Such condition(s) of approval shall be specifically stated and recited to the petitioner. The Commission may impose a time limit upon the fulfillment of any such requirement(s). The petitioner shall be required to notify the Commission's staff of the fulfillment of such requirement. In the event any condition of the decision has not been fulfilled or the time for compliance has expired, the staff shall issue a request to the petitioner to show cause why the decision should not be revoked and rescinded. The Commission may investigate the matter and take such remedy as it deems appropriate.
 - 2. Unconditional approval--If there are no conditions imposed upon the approval of a petition, the president and secretary shall sign the permanent drawing(s) and shall direct the staff to affix the Commission's seal thereon.

- b. Zoning Ordinance amendments--If the Commission recommends favorably upon a petition for amendment to the Zoning Ordinance, the president and secretary shall sign the resolution recommending such amendment and direct the staff to forward it together with a report describing the Commission's action to the Commissioners for consideration.

Section 7. Disapproval

- a. Subdivisions--If after the hearing the Commission determines that a petition does not meet the criteria established by ordinance(s) for approval, it shall deny the request and make written findings setting forth its reasons and shall provide the applicant with a copy. This decision must be signed by an officer of the Commission or an official of the Columbus/Bartholomew Planning Department.
- b. Zoning Ordinance amendments--If the Commission disapproves of a Zoning Ordinance amendment which has been referred to it for recommendation, the Commission shall direct the staff to forward its recommendation together with a report describing the Commission's action to the Commissioners for consideration.
- c. Refiling--No petition for subdivision of land which has been denied by the Commission and no petition for amendment to the Zoning Ordinance which has been denied by the Commissioners shall again be placed on the docket for hearing within a period of one year from the date of such disapproval, unless the Commission finds that there is a substantial change in the petition or circumstances affecting the petition, in which case the matter may again be placed on the docket only if a motion to permit redocketing is duly adopted by the Commission.

Section 8. No Recommendation

Any member of the Commission may move to send any rezoning petition to the County Commissioners with no recommendation if a motion, second, and decisive vote can not be obtained for approval, denial, dismissal, continuance, or withdrawal. (Amended 11/17/93)

ARTICLE VI FILING PROCEDURES

Section 1. Application

Each petition to the Commission shall be on application forms prescribed by the staff and shall be accompanied by such information and exhibits as specified on such forms and/or required by applicable ordinances. Any communication purporting to be a petition not on the prescribed forms or not containing the information required shall be considered incomplete and shall not be docketed.

Section 2. Filing Deadlines

The staff shall prepare, no later than the first day of December of each year, a schedule of the filing deadlines for the ensuing year. Such schedule shall provide for adequate time for the staff to review the proposal and offer technical advice to the

Commission and shall provide adequate time for issuances of required notices. Any application which is incomplete at the time of the filing deadline shall not be docketed.

Section 3. Eligible Applicants

The owner(s) of property included in any petition before the Commission must consent to the filing of the application. Such consent maybe evidenced by the owner's notarized signature on said application or by signature of a person having power of attorney authorizing such signature. In the case of property which is being purchased under a land contract, the signatures of both the contract purchasers and the contract sellers or their duly authorized agents shall be required.

Section 4. Changes to Petitions

After a petition has been filed and required notices have been given, no changes which significantly increase the land area, alter the street or lot pattern, increase the intensity of the development, or in any other way substantially affect the proposal may be made. Other changes which are requested by the staff or the Subdivision Review Committee for compliance with the technical standards of the Subdivision Control Ordinance may be made after such notice; however, such changes will be reviewed by the staff only if they are received in a timely manner before the date of the Commission meeting. In general, substantial changes must be received by the staff seven days before the meeting and minor changes two days before the meeting. These times may be varied at the discretion of the staff in consideration of the nature of the changes to be made, the extent of review required, the current workload, and other relevant factors.

ARTICLE VII NOTICE REQUIREMENTS

Section 1. Contents

Any notice of public hearing required by federal, state, or local law shall contain as a minimum the following information:

- a. Docket number and the substance of the matter to be heard
- b. General location by address or other identifiable geographic characteristic of the property
- c. Name of the person or agency initiating the matter to be heard
- d. Time and place of the hearing
- e. Statement that the petition may be examined at the office of the Commission
- f. Statement that interested parties may offer an oral opinion at the hearing or may file written comments concerning the matter to be heard prior to or at the hearing
- g. Any other information which may be required by law to be contained in such notice

Section 2. Publication

When the Commission is required by law to publish in a newspaper of general circulation a notice prior to any hearing of the Commission, the staff shall cause such notice to be published in accordance with the time periods established by the applicable law. Proof of such publication shall be obtained by the staff and kept in the appropriate file.

Section 3. Mailed Notice

- a. Definition-Interested Parties (Amended 10/18/95)
 1. For subdivision matters (including concept plans), interested parties shall include all adjoining owners of property.
 2. For zoning matters, interested parties shall include all owners of property within 600 feet; provided, that at least two property owners in each direction are included as interested parties even if that distance is further than the 600 foot minimum.
 3. For development plans and common sign plans, interested parties shall include all adjoining owners of property.
 4. Interested parties shall also include all owners of property within the area included in a petition who are not petitioners. When the subject parcel abuts a county line, county line street or road, or county line body of water, interested parties includes all owners of real property to a depth of two ownerships or 1/8 mile (660 feet) into the adjacent county, whichever is less.
- b. Method of Notice (Amended 10/18/95, 2/21/96)
 1. For zoning matters, notice shall be given as follows: By first class mail to all interested parties at least 10 days before the public hearing.
 2. For primary approval of all subdivision matters by the plan commission, notice shall be given as follows: By first class mail to all interested parties at least 10 days before the public hearing.
 3. For primary approval of administrative and agricultural subdivisions, notice is not required.
 4. For concept plans, notice is required by regular mail at least 10 days before the public hearing.
 5. For all zoning, subdivision matters development plans and common sign plans, the following applies: Staff shall be responsible for compiling a list of the property owners entitled to notice and for the mailing of the notices to those persons whose names and addresses appear on the list.
- c. Determination of Owners
 1. The names of property owners to be notified shall be determined from the

property ownership records of the Bartholomew County auditor and the addresses of those owners shall be determined from the records of the Bartholomew County treasurer. Such list shall be obtained no more than one month prior to the appropriate filing deadline. If there is evidence of notice (as set forth in Section 4 of this article) to these persons, for purposes of the hearing before the Commission, such notice shall be deemed proper.

2. For notification purposes, the land described in said petition shall be deemed to also include any adjoining land owned by the applicant. Land separated from petitioned property by streets, railways, easements and the like shall be deemed to be land adjoining the petitioned land.
3. In the case of property that is subject to the Horizontal Property Law (I.C. 32-1-6), each condominium unit shall be deemed one property ownership and the common area designated in the appropriate condominium ownerships shall be deemed one property ownership, and notice to the co-owners of such common area may be given to the association of co-owners set forth in the condominium instrument recorded in the offices of the Recorder of Bartholomew County, Indiana.
4. Owners of any adjoining property located outside of Bartholomew County shall also be notified according to the criteria under "3a.", and shall have all property ownership determinations made according to the information in their respective county offices.

Section 4. Evidence of Notice

A certificate of mailing issued by the U.S. Postal Service shall be considered evidence that notice has been given. Personal appearance at the hearing also shall constitute evidence of notice. (Amended 2/21/96)

ARTICLE VIII COMMITTEES

Section 1. Authority

The presiding officer is hereby authorized to appoint permanent and temporary committees to facilitate the work of or advise the Commission. Such committees may be comprised of Commission members only, or they may include other interested parties. A chairman shall be appointed for each committee, and reports on their assignments shall be made a part of the record. The president shall be an ex officio member of any committee so appointed.

Section 2. Standing Committees

The following shall be standing committees:

- a. Executive Committee--An executive committee consisting of the officers of the Commission and its immediate past president (if still a Commission member) shall be a permanent committee which shall be authorized to act on behalf of the Commission on all matters except those where final action of the Commission is

required by law. The president shall be chairman of said committee.

- b. Subdivision Review Committee--A Subdivision Review Committee shall be a permanent committee consisting of the following members: planning director, county engineer, county surveyor, code enforcement officer, county extension agent, district conservationist, environmental health officer, representative of Indiana Bell, representative of Public Service Indiana, representative of REMC, and such other representatives as the planning director may invite to aid in the review of scheduled petitions. Members may designate representatives to participate in any and all meetings of the committee. The planning director or her/his designee shall serve as chairman of the committee. The Subdivision Review Committee is established for the purposes listed below. In no way is the existence of this committee to be construed to limit the scope of discussion or findings of fact on any matter before the Commission or to prevent any member of the committee from raising additional issues which may come to light after the committee meeting.
 - 1. To review all subdivision petitions filed with the Commission for compliance with the technical requirements of the Subdivision Control Ordinance
 - 2. To enhance the coordination of efforts to evaluate proposed land development
 - 3. To encourage cooperation between the Commission, staff, and petitioners by resolving problems at the staff level where possible
 - 4. To provide non binding findings of fact and recommendations on subdivision petitions before the Commission.
- c. Nominating Committee--A nominating committee consisting of at least three Commission members shall be appointed no later than the December meeting each year to provide candidates for Commission offices.
- d. Street Renaming Committee--A street renaming committee shall be a permanent committee consisting of the following members: postmaster, county sheriff, chief code enforcement officer, planning director, and county highway engineer. Members may designate representatives to participate in any and all meetings of the committee. This committee shall make recommendations to the commission on the renaming of streets, within the unincorporated areas of Bartholomew County. The commission shall hold a public hearing on any recommendation from the Street Renaming Committee and shall publish notice of such hearing in accordance with Article VII, Sections 1 and 2. In selecting street names, the commission shall consider the following factors:
 - 1. Street names shall not duplicate other street names in the city or county
 - 2. Street names shall, to the extent possible, be easy to understand
 - 3. Street names shall be selected with due regard to historical names and events. In the event that a street recommended for renaming is located in the county and the city, the committee shall consult with appropriate representatives of the city before making its recommendation to the commission.

Section 3. Committee Meetings

The staff shall assist any and all committees established under this section in scheduling the times and places for meetings. In the case of the Subdivision Review Committee, the staff shall prepare, no later than the first day of December each year, a schedule of the meetings for the ensuing year and shall make such schedule available to committee members and interested parties.

ARTICLE IX PLAT COMMITTEE

Section 1. Establishment

A plat committee is hereby established as a standing committee in accordance with Indiana State Law and the Bartholomew County Subdivision Control Ordinance.

- a. Plat Committee - A Plat Committee consisting of five members appointed by the Plan Commission shall be a permanent committee. At least two members shall be members of the Plan Commission, with one of these two being the county surveyor or representative thereof serving on the Commission. One member shall be the county highway engineer or designee thereof and one member shall be the county planning director or designee thereof. The other member may be a member of the Plan Commission or citizen within the jurisdiction of the Commission who is not a member of the Commission. Each member shall be appointed by the Commission for one (1) year. The Commission shall appoint alternate members to the Plat Committee who may serve as voting members in the event the regular member is unable to attend or abstains from voting. The alternates for the Plan Commission members shall be members of the Commission. No decision of the Plat Committee is official unless it is authorized by a majority of its members. Any decision of the Plat Committee may be appealed to the Commission. (Amended 10/20/99)
- b. The seal for the Plat Committee shall be the Plan Commission Seal.

Section 2. Officers and Staff (Amended 2/16/94)

The officers of the Plat Committee shall consist of a Chairman, Vice-Chairman, and Secretary. These officers shall be elected at the first meeting of each year.

- a. Chairman. The Chairman shall be elected by the members of the committee and shall preside over Committee meetings.
- b. Vice-Chairman. The Vice-Chairman shall be elected by the members of the Committee and shall preside over meetings in the Chairman's absence.
- c. Secretary. The Secretary, who need not be a member of the Committee, shall be charged with keeping records of all meetings, and executing all required modifications and letters and certify all official acts of the Committee. The Secretary shall also give a report each month to the Plan Commission of the committee's activities.
- d. The staff of the Columbus/Bartholomew Planning Department shall be the staff for

the plat committee.

Section 3. Meetings (Amended 2/16/94)

- a. Meetings shall be scheduled no earlier than 10 days after the filing deadline for petitions before the Bartholomew County Plan Commission. The filing deadline for the Committee shall be the Commission's filing deadline.
- b. Special meetings may be called by the Chairman of the Committee.
- c. A majority of the Committee shall constitute a quorum. No action of the committee shall be official unless it is approved by a majority of its members.
- d. All provisions adopted by the Commission under its Rules of Procedure, for the conduct of meetings and procedures related thereto, which are not inconsistent with state law, the subdivision control ordinance, and/or this Article shall apply to all proceedings before the plat committee.

Section 4. Notice (Amended 2/16/94)

For all subdivision matters before the plat committee, notice of the right to appeal any decision of the plat committee shall be given to all interested parties by certified mail within 10 days after the decision.

ARTICLE X COMMISSION RECORDS

Section 1. Responsibility

It shall be the duty of the staff of the Commission to maintain all Commission files and records, including the official minutes of all meetings.

Section 2. Minutes

The staff shall prepare an accurate record of all hearings and official actions of the Commission, and the minutes representing such record shall be made available within a reasonable time after such hearing or action to all members of the Commission. Upon approval by the Commission, copies of such minutes shall be made available to interested parties.

Section 3. Tape Recordings

The recording secretary may make taped or other mechanical recordings of the Commission's proceedings. Such recording products shall remain on file in the Commission's office for a period not less than one year from the date of the hearing or determination, whichever is later. Such recordings shall not be removed from the Commission's office other than by order of a court of competent jurisdiction. Interested parties may listen to such recordings in the Commission's office and may copy such recordings, under the supervision of the Commission's staff.

7-4-9-- et seq and particularly I.C. Section 36-7-4-923 and 924 and this article. The hearing officer will be the director of planning or designee thereof.

Section 2. Limitations of Powers of the Board of Zoning Appeals Hearing Officer

The BZA hearing officer shall be empowered to hear and render a decision in any proceedings for variances from the developmental standards or for conditional uses.

All other variances shall be under the exclusive jurisdiction of the Board of Zoning Appeals, hereinafter "the Board." As provided by Indiana Law, the hearing officer may not hear any petitions for variances of use nor any appeals of any decision of the zoning administrator.

Section 3. Hearing Before the Board of Zoning Appeals Hearing Officer-Conduct

- a. All provisions adopted by the Board under its Rules of Procedure, for the conduct of public hearings and procedure related thereto, which are not inconsistent with the law, the zoning ordinance and/or these rules shall apply to hearings and proceedings before the Board and BZA hearing officer. In addition to those persons defined in Article VII, Section 3, notice shall be provided to the chairperson of the county commissioners and the president of the plan commission.
- b. The BZA hearing officer may not participate in a hearing or decision of a matter in which the hearing officer has a direct or indirect financial interest.
- c. The BZA hearing officer shall prepare and maintain a record of all proceedings conducted. A copy of the record shall be provided to all members of the plan commission, BZA, and county commissioners.
- e. Within five (5) days of the decision, the BZA hearing officer shall cause notice of such decision to be furnished in writing to the petitioner and such decision shall be filed in the office of the Board.

Section 4. Transfer of Proceedings from Board of Zoning Appeals Hearing Officer to the Board

- a. Once a petition has been filed for consideration before the BZA hearing officer, the proceedings may not be transferred to the board for hearing upon request by either the remonstrator(s) or the petitioner(s), unless otherwise allowed by law.
- b. The BZA hearing officer may transfer a petition currently scheduled under the hearing officer procedure to the Board without first conducting a hearing or making a decision, when the BZA hearing officer determines that it would be in the best interest of all parties and/or the public for the Board to hear, consider and act upon such petition. In any case where there appears to be conflicting interest or controversy, the hearing officer shall automatically transfer the petition to the Board.
- c. In the event the BZA hearing officer determines that a pending proceeding before the officer should be transferred to the Board, there shall be written notification provided to the petitioner of such determination, if made prior to issuance of notice

Section 4. Commission Case Files

A file shall be maintained for each item placed on the docket of the Commission. Such files shall contain, as a minimum, the application form and supporting materials and any exhibits pertinent to the decision, conditions, or safeguards or other material related to the binding effects of the Commission's action.

Section 5. Public Records

The records and files of the Commission shall be made available to the public under the provisions of IC 5-14-3, the Indiana Access to Public Records Law, and any amendments thereto. The planning director is hereby designated as the officer responsible for determining which documents of the staff and Commission are public records. Any person may file a written objection to a decision of the director under this section. Upon receipt of such objection the director shall consult with the Commission president and county attorney who shall decide whether a requested document is a public record.

ARTICLE XI FEES

Section 1. Schedule of Fees

The Commission shall, in accordance with the requirements of IC 36-7-4-411 and IC 36-7-4-704, establish a uniform schedule of fees to defray the administrative costs connected with processing and hearing petitions for rezonings, for the checking and verifying of proposed subdivision plats, and for other official acts taken under provisions of the 400 Series, COMMISSION DUTIES AND POWERS, of the Indiana Code. Such fees shall not exceed the actual costs of providing such services. Fees established shall include fees for copying documents under the provisions of IC 5-14-3-8(d).

Section 2. Payment Required

In no case shall the Commission take action on any petition for which applicable fees have not been paid in full. No part of any fee paid pursuant to this section shall be returnable to the petitioner.

Section 3. Waivers

Nothing herein shall be construed to require a fee for actions initiated in the public interest by the Commission.

ARTICLE XII BOARD OF ZONING APPEALS HEARING OFFICER

Section 1. Establishment and Appointment of the Board of Zoning Appeals Hearing Officer

There is hereby established an alternate procedure whereby a Board of Zoning Appeals hearing officer conducts hearings in accordance with the provisions of I.C. 36-

of public hearing. If the BZA hearing officer makes a determination to transfer any time after notice of public hearing has been issued, the BZA hearing officer shall make an oral announcement at the scheduled public hearing of the determination to transfer the proceedings and the date and time the public hearing will be held before the Board. Except for notice by publication under I.C. 5-3-1, no other notice of transfer or scheduling of the public hearing before the board need to be given by the BZA hearing officer.

Section 5. Appeals from Decision of Board of Zoning Appeals Hearing Officer.

- a. Rights to appeal. Any interested person who is aggrieved by a decision of the BZA hearing officer may request an appeal to the Board. If a timely appeal is not filed the decision of the BZA hearing officer shall be final. The planning director, county commissioners, and members of the plan commission who are not members of the BZA are considered to be interested persons for the purposes of these rules.
- b. Appeal Procedure
 1. The interested person aggrieved by a decision of the BZA hearing officer shall file an appeal in the office of the Plan Commission staff within the time 14 days after the decision is made, as provided under I.C. 36-7-4-924 (g). The appeal must be filed on forms prescribed by the staff. The forms shall require the name and address of each appellant and a description of the reasons the decision is believed to have been arbitrary and capricious, illegal or contrary to law or the provisions of the ordinance or of these rules, as the case may be. Such appeal shall also be verified and signed by the aggrieved interested person. The appeal will be scheduled for the next available Board of Zoning Appeals meeting.
 2. Any written request which is not filed within the time limit described above shall not thereafter be accepted for filing, and the interested person otherwise aggrieved shall be construed as having forever waived the right to appeal such a decision.
 3. The interested person requesting such appeal shall also be required to pay any filing fee imposed for such filing under these rules.
- c. Notice. Notice of such appeal hearing shall be given by publication, in accordance with I.C. 5-3-1, to interested parties, as in any other hearing before the Board.
- d. Hearing. The public hearing upon such requested appeal shall be conducted in the same manner as other hearings held by the Board.
- e. Action by the Board. After such public hearing, the Board shall either affirm, reverse, or modify the decision of the BZA hearing officer from which the appeal has been taken. Such action by the Board shall be considered as a final decision from which a further appeal may be prosecuted, in accordance with state law.

ARTICLE XIII AMENDMENTS AND SUSPENSION

Section 1. Amendments

Amendments to the Rules of Procedure may be made by the Commission at any regular or special meeting upon the affirmative vote of five members, provided, however, that the proposed amendment shall have been presented in writing at a previous regular meeting of the Commission.

Section 2. Suspension of Rules

The suspension of any rule of procedure herein may be authorized by the Commission at any regular or special meeting upon the affirmative vote of six members, provided, however, that no rule which is required to comply with federal, state, or local law may be so suspended.

ARTICLE XIV SEPARABILITY

If any section, clause, provision, or portion of these rules shall be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section, clause, provision, or portion of these rules.

ARTICLE XV CERTIFICATE OF ADOPTION

The foregoing Rules of Procedure of the Bartholomew County Plan Commission specifically repeal the Rules of Procedure adopted by the Commission on December 17, 1973, and any amendments thereto. These rules are hereby adopted by the affirmative vote of the Commission this _____ day of _____, _____

President

Secretary

Review and Revision of Rules of Procedure

The above is a compilation of all amendments and revisions to the Bartholomew County Plan Commission Rules of Procedure through June 17, 2003.

Amendments after June 17, 2003:

Description of Amendment	Article & Section No.	Effective Date	Docket No.